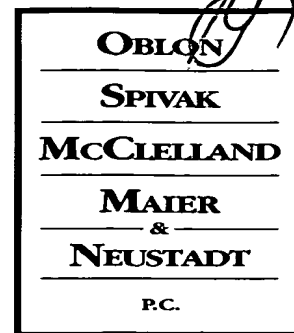




Docket No.: 211223US0X

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/938,540
Applicants: Bettina MOECKEL, et al.
Filing Date: August 27, 2001
For: NEW NUCLEOTIDE SEQUENCES WHICH CODE
FOR THE CCPA1 GENE
Group Art Unit: 1652
Examiner: Christian L. Fronda

RECEIVED
JUL 31 2003
TECH CENTER 1600/2900

SIR:

Attached hereto for filing are the following papers:

Response to Requirement for Restriction

Our check in the amount of 0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Jean-Paul Lavalleye

Registration No. 31,451



22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Thomas W. Barnes III, Ph.D.
Registration No. 52,595

RECEIVED

JUL 31 2003

TECH CENTER 1600/2900



DOCKET NO: 211223US0X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

BETTINA MOECKEL, ET AL. :

EXAMINER: FRONDA, CHRISTIAN L

SERIAL NO: 09/938,540 :

FILED: AUGUST 27, 2001 :

GROUP ART UNIT: 1652

FOR: NEW NUCLEOTIDE SEQUENCES :
WHICH CODE FOR THE CCPA1 GENE

RESPONSE TO REQUIREMENT FOR RESTRICTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated June 30, 2003, Applicants elect, with traverse, Group I, Claims 1-7, 10 and 11, drawn to an isolated polynucleotide, vector, and host cell.

REMARKS

- Group I: Claims 1-7, 10 and 11, drawn to an isolated polynucleotide, vector and host cell;
- Group II: Claims 8 and 9, drawn to a coryneform bacterium in which a *ccpA1* gene is attenuated;
- Group III: Claims 12-23, drawn to a process for producing L-amino acids; and
- Group IV: Claims 24 and 25, drawn to a process for identifying RNA, cDNA and DNA using hybridization probes.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP §803.